

DELEGATE SCANLAN: I do.

THE CHAIRMAN: The pages will please distribute Amendment "S".

This will be Amendment No. 15. Please modify your amendment by adding after the word "inclusive" in line 3 the language "as amended by Amendment No. 14".

The Clerk will read the amendment.

READING CLERK: Amendment No. 15 to Committee Recommendation R&P-2 by Delegate Scanlan:

On page 3 strike out all of section 9 Economic Opportunity comprising lines 22 through 30, inclusive.

THE CHAIRMAN: The amendment is submitted by Delegate Scanlan. Is there a second?

Delegate Schneider.

DELEGATE SCHNEIDER: Mr. Chairman, I rise to second this motion.

THE CHAIRMAN: The amendment having been seconded by Delegate Schneider, the Chair recognizes Delegate Scanlan to speak to the amendment.

DELEGATE SCANLAN: Mr. Chairman, fellow delegates, I persist in what has not always been a pleasant task, namely, attempting to convince this body that they should not put in a new modern constitution mere aspirations, unenforceable ultimatums, and other unnecessary language. It is especially difficult at this time to oppose the eloquent plea made by Delegate Mitchell. She not only stated her case with eloquence, she supported it with statistics that demonstrate the truth of her economic position.

But I think she would be the first to admit that the problem that she asks the Convention to wrestle with is a national problem. It is not peculiarly a Maryland problem. I submit that if her eloquent speech had been made on the floors of the Congress, it would have more meaning, more relevancy, and would be entirely in proper order.

It is the national government and only the national government that ultimately can win the war against poverty if that war is to be won. In effect, the language even as now proposed by the Committee, as amended by Amendment No. 14, asks this Convention to write into the constitution what is either the full employment act of Maryland or a snare and delusion, and a statement of pious hope that no action

on the part of Maryland alone could ever achieve.

She mentioned the depressed areas of this State as there are in many other states. But again, defining those areas, and the attempt to raise those areas to the level where they are no longer subject to such an opprobrious classification as "depressed" is a fight maintained by the federal government requiring the full sweep of federal power including the full sweep of the taxing power. To ask the State of Maryland singlehandedly to take on this battle is really to ask the impossible.

Moreover, while I am not unsympathetic with the economic theory embraced in Amendment No. 14, it is really a welfare state concept. I am not sure that any particular economic theory, whether it be the economic theory of free enterprise or the economic theory of the welfare state or the partial welfare state should be frozen into the Constitution.

THE CHAIRMAN: You have one-quarter minute, Delegate Scanlan.

DELEGATE SCANLAN: A long time ago, I need not say which one said this, a Supreme Court Justice said that he did not think that Herbert Spencer's social statistics were frozen into the Fourteenth Amendment and I think the same point could be made here. This is a national problem. It can only be solved by national effort. This proposal that would write something in the constitution which is unenforceable is a snare and delusion.

The other things you have done in the last few days like permitting the right to organize collectively and making clear equal protection of the laws clause prohibits segregation or discrimination on the basis of race, creed, or color, dealt with substantive rights. Here we have a platitude that no state action could ever achieve. To put it in our Constitution is to delude the people who most need it. I urge strongly that you delete this section 9.

THE CHAIRMAN: Delegate Kiefer, do you desire to speak to the amendment?

DELEGATE KIEFER: Mr. Chairman, ladies and gentlemen of the Committee, we have put in this Constitution the right of labor to organize. I do not know why we could not in this constitution state as the policy of this State that people in this State shall have economic security. This does not guarantee them anything. It does state a policy. It is not unlike policies that are stated in other state constitutions